

IN RE: PETITION FOR ZONING VARIANCE  
N/S Old Oak Road, 250' E of  
Copeleigh Road  
(904 Old Oak Road)  
9th Election District  
4th Councilmanic District  
Randolph K. Mackubin, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-235-A

#### FINDINGS, FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 5 feet in lieu of the required 10 feet for a proposed sunroom addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by Randolph Mackubin, appeared and testified. Patricia Finch, adjoining property owner, appeared as a Protestant in the matter and was represented by Thomas B. McCarty, Esquire.

Testimony indicated that the subject property, known as 904 Old Oak Road, consists of 7,150 sq. ft. zoned D.R. 5.5 and is improved with a single family dwelling and detached garage. Petitioners are desirous of constructing a 10' x 22' sunroom in the location of an existing open porch. Mr. Mackubin testified the proposed addition will provide a family room and play area for their growing family. He testified that due to the layout of the existing dwelling and improvements in the rear of the property, including but not limited to the air conditioning compressor, a large, old tree, and kitchen ventilation system, the location selected is the most practical one for the proposed addition. Testimony indicated that the existing open porch, 7' x 12' as depicted in Petitioner's Exhibit 1, has existed since prior to the adjoining property owner moving to the area approximately 15 years ago. Said porch is located 8 feet from the side property line setback in lieu of the required 10 feet.

Ms. Finch testified that she has resided at 902 Old Oak Road for the past 15 years. She is opposed to the relief requested as in her opinion, the proposed addition will be detrimental for aesthetic reasons and will interfere with the uniformity of the surrounding homes which she believes will affect property values. To support her position, Ms. Finch introduced photographs depicting the houses on Old Oak Road. Ms. Finch further testified that she felt Petitioner's Exhibit 1 was misleading as it indicates there is 15 feet between her property line and the rear of her dwelling, when in fact, the front of her dwelling is actually 10 feet from the side property line. For these reasons, Ms. Finch believes that the granting of the requested variance will result in infringement upon the enjoyment of her property as the houses will then be closer together.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners

would experience practical difficulty or unreasonable hardship if the requested variance were denied. In the opinion of the Deputy Zoning Commissioner, the hardship is self-created in that Petitioners just purchased the property in July of this year and were well aware of its deficiencies at that time. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance for the proposed addition must be denied. However, with respect to the existing open porch, which is in violation of setback requirements, it is found that the porch has existed for many years without adversely affecting the health, safety and general welfare of the community. To require its removal would result in practical difficulty upon Petitioners and it should therefore be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied in part and granted in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of December, 1989 that the Petition for Zoning Variance to permit a side yard setback of 5 feet in lieu of the required 10 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that a variance to permit a side yard setback of 8 feet in lieu of the required 10 feet for the existing open porch, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

December 28, 1989

Mr. & Mrs. Randolph K. Mackubin  
904 Old Oak Road  
Baltimore, Maryland 21212

RE: PETITION FOR ZONING VARIANCE  
N/S Old Oak Road, 250' E of Copeleigh Road  
(904 Old Oak Road)  
9th Election District - 4th Councilmanic District  
Randolph K. Mackubin - Petitioners  
Case No. 90-235-A

Dear Mr. & Mrs. Mackubin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: Thomas B. McCarty, Esquire  
401 Frederick Road, Baltimore, Md. 21228

People's Counsel

File

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-235-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1002.3.C.1 to allow a side yard setback of 5 feet in lieu of the required 10 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)  
1. Compliance with current setback provisions would result in a room only 5 feet wide, clearly making it useless and detracting from the value of the house.  
2. Location of the sunroom on the back of the house, the only other alternative, would necessitate an opening in the brick facade and relocation of air conditioning compressor.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney's Telephone No.

Legal Owner(s):  
Randolph Kent Mackubin  
(Type or Print Name)  
Signature  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Randolph K. Mackubin  
Name  
Same as above  
887-2639  
Address  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 29 day of Sept, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15 day of Dec, 1989, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

#### ZONING DESCRIPTION

Beginning on the northernmost side of Old Oak Road at the distance of 250 feet easterly from the easternmost side of Copeleigh Road having a frontage on the northernmost side of Old Oak Road of 55 feet with a depth of 129 feet more or less and being known and designated as lots Nos. 16 and 17 and the westernmost 5 feet of lot No. 18 as shown on the revised plat of Stoneleigh recorded among the Plat records of Baltimore County in Plat Book No. 8 Folio 85. Also known as 904 Old Oak Road in the 9th Election District.

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 7, 1989

THE JEFFERSONIAN,

S. Zebe Orlov

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 6, 1989

TOWSON TIMES,

S. Zebe Orlov

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th  
Posted for: Variance  
Petitioner: Randolph Kent Mackubin, et ux  
Location of property: N/S Old Oak Rd, 250' E of Copeleigh Rd  
Location of Sign: Front Old Oak Rd, approx 15' S. of Hwy  
Remarks: on property of Petitioner  
Posted by: Mackubin  
Number of Signs: 1  
Date of Posting: 11/14/89  
Date of return: 12/1/89

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

DATE DEC 14 1989  
DEC 14 1989

Mr. & Mrs. Randolph K. Mackubin  
904 Old Oak Road  
Baltimore, Maryland 21212

Re: Petition for Zoning Variance  
CASE NUMBER 90-235-A  
N/S Old Oak Road, 250' E of Copeleigh Road  
904 Old Oak Road  
9th Election District - 4th Councilmanic District  
Petitioner(s) Randolph Kent Mackubin, et ux  
HEARING DATE, DECEMBER 15, 1989 at 2:00 PM

Dear Mr. & Mrs. Mackubin:

Please be advised that 12/29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204, fifteen minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

301-887-3353  
cc: File

NOTE: If "PHASE II" of the "NEW FREEDOM PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed, in the event of snow, till phone 887-3351 to confirm hearing date.



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner

November 16, 1988

# NOTICE OF HEARING



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-235-A  
RE: Old Oak Road, 230' E of Copeland Road  
304 Old Oak Road  
304 Old Oak Road  
304 Old Oak Road - 4th Carriageway  
Petitioner(s): Randolph Kent Mackubin, et ux  
HEARING: FRIDAY, DECEMBER 15, 1988 at 2:00 p.m.

Variance to allow a side yard setback of 5 feet in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

## NOTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

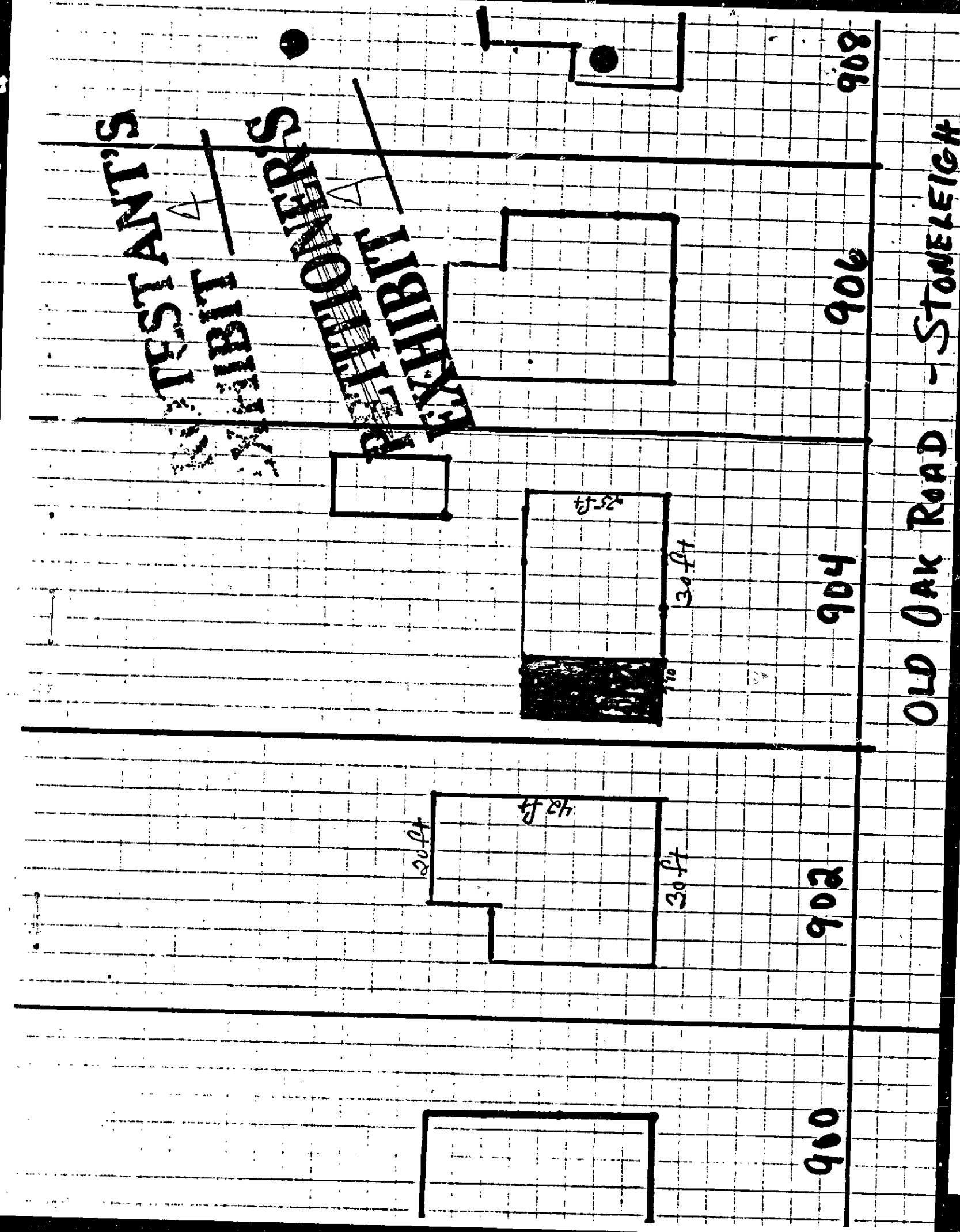
J. Robert Haines  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND

3/11/89  
cc: Mr. & Mrs. Mackubin  
File

LIBER 800  
Baltimore County in Plat Book W P C 80 folio 808  
being a portion of the premises conveyed by Stoneleigh Corporation to the  
Baltimore Trust Company by way of Mortgage dated the 26th day of May 1930 to secure  
the sum of Two hundred and five thousand dollars (\$205,000.00) which Mortgage was recorded  
among the Land Records of Baltimore County on May 28 1930  
This Release however not to affect the lien of said Mortgage as security for the  
unpaid balance of the debt upon the unreleased portions of the land described in said  
Mortgage  
Witness the corporate seal of the said party of the first part and the signature  
of its Vice President  
Attest  
The Baltimore Trust Company  
By John J. Dingler  
Assistant Secretary Vice President  
(Corporate Seal)  
State of Maryland City of Baltimore SS  
I hereby certify that on this 17th day of December 1988 before me the subscriber  
a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid  
personally appeared John J. Dingler Vice President of The Baltimore Trust Company and  
acknowledged the foregoing Partial Release of Mortgage to be the act and deed of said body  
corporate  
As witness my hand and Notarial Seal the day and year last above written  
William M. Farley  
Notary Public  
Recorded Dec 15 1988 at 11:15 A.M. and sent per Louis Hol. Berryman Clerk  
L.M.C.M. 866/301  
21500  
This Deed made this 19th day of December nineteen hundred and  
thirty by Stoneleigh Corporation a Maryland corporation party of  
the first part and The Parkway Development Company a corporation of  
the State of Maryland party of the second part  
Witnesseth that in consideration of the sum of Five Dollars in  
other valuable considerations this day paid the receipt whereof is hereby acknowledged  
the said party of the first part doth hereby grant and convey unto the said party of the  
second part its successors and assigns in fee simple all the following described  
parcels or lots of land situate lying and being in Stoneleigh Baltimore County State  
of Maryland and described as follows that is to-wit: Lots Nos 43 and 44 of Section 13  
of Stoneleigh as shown on a plat filed among the Land Records of Baltimore County Plat  
Book W P C No 7 folio 87 the easternmost fourteen feet of Lot No 23 all of Lot Nos  
24 and 25 of Section 17 and all of Lot Nos 14 and 15 the easternmost 30 feet of Lot  
16 all of Lot 19 and the westernmost five feet of Lot 20 of Section 18 as shown on a  
revised plat of Stoneleigh filed among the Land Records of Baltimore County in Plat  
Book W P C No 8 folio 85  
Being a portion of the premises conveyed to the party of the first part by Annie  
S. Von Rapp at al by Deed dated December 30 1922 and recorded among the Land Records of  
Baltimore County in Liber W P C No 566 folio 345 etc

PROTESTANT'S  
EXHIBIT 3



PROTESTANT'S  
EXHIBIT

BALTIMORE COUNTY		NOTICE OF ASSESSMENT	
State Department of Assessments and Taxation		Assessment and Taxation	
Parcel No.	Area (Ac.)	Assessed Value	Market Value
902-015-001	0.15	15,000	15,000
902-015-002	0.15	15,000	15,000
902-015-003	0.15	15,000	15,000
902-015-004	0.15	15,000	15,000
902-015-005	0.15	15,000	15,000
902-015-006	0.15	15,000	15,000
902-015-007	0.15	15,000	15,000
902-015-008	0.15	15,000	15,000
902-015-009	0.15	15,000	15,000
902-015-010	0.15	15,000	15,000
902-015-011	0.15	15,000	15,000
902-015-012	0.15	15,000	15,000
902-015-013	0.15	15,000	15,000
902-015-014	0.15	15,000	15,000
902-015-015	0.15	15,000	15,000
902-015-016	0.15	15,000	15,000
902-015-017	0.15	15,000	15,000
902-015-018	0.15	15,000	15,000
902-015-019	0.15	15,000	15,000
902-015-020	0.15	15,000	15,000
902-015-021	0.15	15,000	15,000
902-015-022	0.15	15,000	15,000
902-015-023	0.15	15,000	15,000
902-015-024	0.15	15,000	15,000
902-015-025	0.15	15,000	15,000
902-015-026	0.15	15,000	15,000
902-015-027	0.15	15,000	15,000
902-015-028	0.15	15,000	15,000
902-015-029	0.15	15,000	15,000
902-015-030	0.15	15,000	15,000
902-015-031	0.15	15,000	15,000
902-015-032	0.15	15,000	15,000
902-015-033	0.15	15,000	15,000
902-015-034	0.15	15,000	15,000
902-015-035	0.15	15,000	15,000
902-015-036	0.15	15,000	15,000
902-015-037	0.15	15,000	15,000
902-015-038	0.15	15,000	15,000
902-015-039	0.15	15,000	15,000
902-015-040	0.15	15,000	15,000
902-015-041	0.15	15,000	15,000
902-015-042	0.15	15,000	15,000
902-015-043	0.15	15,000	15,000
902-015-044	0.15	15,000	15,000
902-015-045	0.15	15,000	15,000
902-015-046	0.15	15,000	15,000
902-015-047	0.15	15,000	15,000
902-015-048	0.15	15,000	15,000
902-015-049	0.15	15,000	15,000
902-015-050	0.15	15,000	15,000
902-015-051	0.15	15,000	15,000
902-015-052	0.15	15,000	15,000
902-015-053	0.15	15,000	15,000
902-015-054	0.15	15,000	15,000
902-015-055	0.15	15,000	15,000
902-015-056	0.15	15,000	15,000
902-015-057	0.15	15,000	15,000
902-015-058	0.15	15,000	15,000
902-015-059	0.15	15,000	15,000
902-015-060	0.15	15,000	15,000
902-015-061	0.15	15,000	15,000
902-015-062	0.15	15,000	15,000
902-015-063	0.15	15,000	15,000
902-015-064	0.15	15,000	15,000
902-015-065	0.15	15,000	15,000
902-015-066	0.15	15,000	15,000
902-015-067	0.15	15,000	15,000
902-015-068	0.15	15,000	15,000
902-015-069	0.15	15,000	15,000
902-015-070	0.15	15,000	15,000
902-015-071	0.15	15,000	15,000
902-015-072	0.15	15,000	15,000
902-015-073	0.15	15,000	15,000
902-015-074	0.15	15,000	15,000
902-015-075	0.15	15,000	15,000
902-015-076	0.15	15,000	15,000
902-015-077	0.15	15,000	15,000
902-015-078	0.15	15,000	15,000
902-015-079	0.15	15,000	15,000
902-015-080	0.15	15,000	15,000
902-015-081	0.15	15,000	15,000
902-015-082	0.15	15,000	15,000
902-015-083	0.15	15,000	15,000
902-015-084	0.15	15,000	15,000
902-015-085	0.15	15,000	15,000
902-015-086	0.15	15,000	15,000
902-015-087	0.15	15,000	15,000
902-015-088	0.15	15,000	15,000
902-015-089	0.15	15,000	15,000
902-015-090	0.15	15,000	15,000
902-015-091	0.15	15,000	15,000
902-015-092	0.15	15,000	15,000
902-015-093	0.15	15,000	15,000
902-015-094	0.15	15,000	15,000
902-015-095	0.15	15,000	15,000
902-015-096	0.15	15,000	15,000
902-015-097	0.15	15,000	15,000
902-015-098	0.15	15,000	15,000
902-015-099	0.15	15,000	15,000
902-015-100	0.15	15,000	15,000

89-5147-04-00  
DEED - PER BUREAU  
LIBER 874 3 PAGE 589

PROTESTANT'S  
EXHIBIT 1  
This Deed, Made This 24th day of July, 1988, by and between  
Eleanor Sedlack, party  
of the first part and  
Randolph Kent Mackubin and Kelly McCrystle Mackubin, parties  
of the second part.

Witnesseth that in consideration of the sum of ONE HUNDRED NINETY SIX THOUSAND FIFTY AND  
NO/100ths (\$196,050.00) Dollars and other good and valuable consideration, the receipt  
whereof is hereby acknowledged,

the said party of the first part  
do hereby grant and convey to the said parties of the second part, as Tenants by the Entireties  
their assigns, the survivor of them and the survivor's heirs

personal representatives, executors and assigns  
those lot s of ground situate in Baltimore County, State of Maryland  
and described as follows, that is to say:

BEING the same property described in a Deed of Assignment dated July 20, 1936 and recorded  
among the Land Records of Baltimore County in Liber 981 folio 146 and was granted and  
assigned by Elizabeth Marlow unto Charles M. Sedlack and Eleanor Sedlack.

BEING ALSO, the same property described in a Deed of Redemption dated November 30, 1949  
and recorded among the Land Records of Baltimore County in Liber 1807 folio 23 and was  
granted and conveyed by Isabel C. Roberts unto Charles M. Sedlack and Eleanor Sedlack,  
his wife, whereby extinguishing the ground rent.

The said Charles M. Sedlack departed this life on or about April 4, 1988  
whereby vesting fee simple ownership in the survivor, Eleanor Sedlack.  
I/We hereby certify under penalty of perjury that the residentially improved property  
which is located at 904 Old Oak Road  
residence of the undersigned.

108-4413501-8 8028A

108-4413501-8 8028A

108-4413501-8 8028A

108-4413501-8 8028A

108-4413501-8 8028A

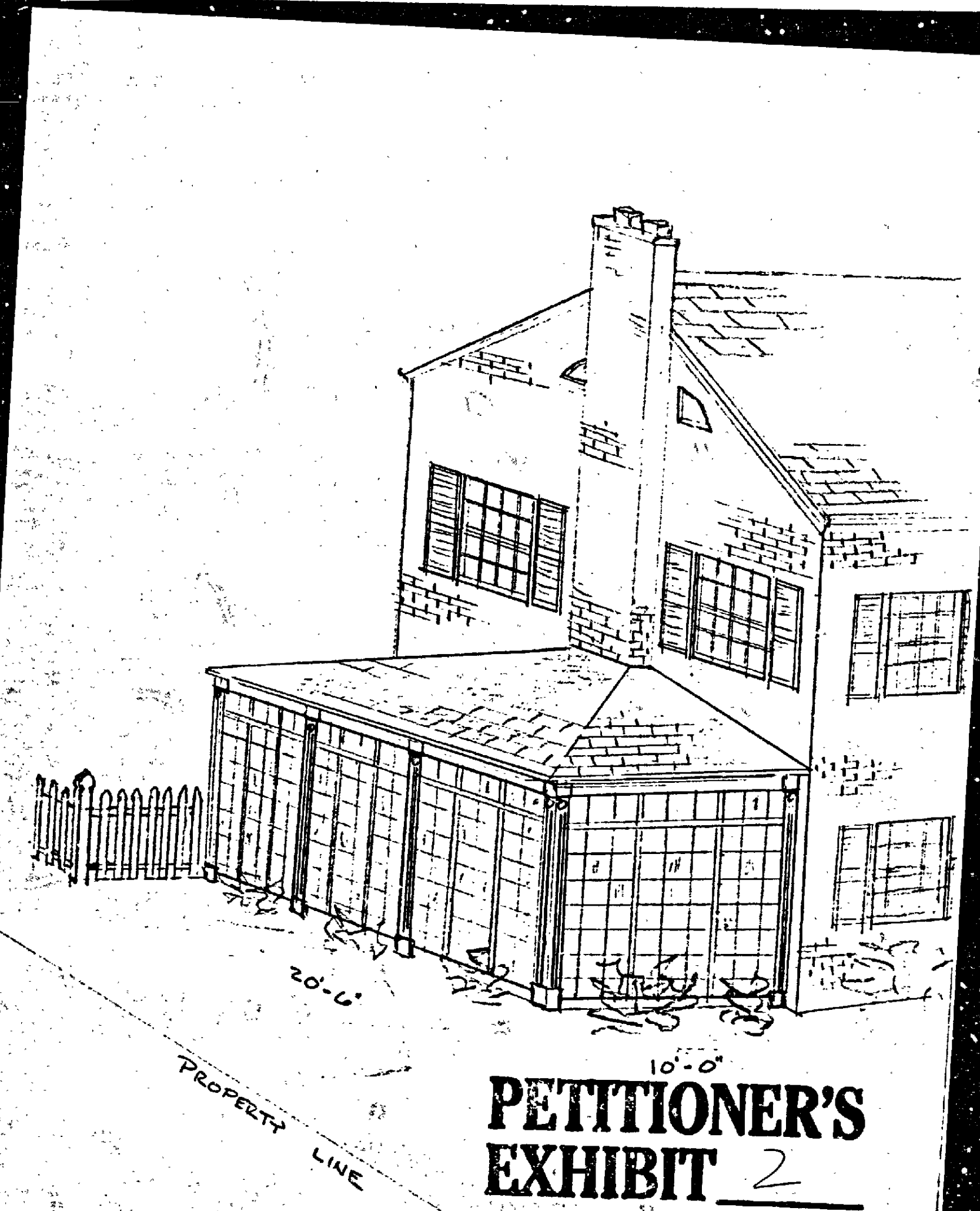
108-4413501-8 8028A

108-4413501-8 8028A

108-4413501-8 8028A

108-4413501-8 8028A

108-4413501-8 8028A



PLEASE PRINT CLEARLY

PROTESTANT'S  
EXHIBIT 1

NAME  
Particular Finch  
represented by  
Thomas B. Finch  
49 Walnut Road  
Baltimore, MD 21228  
Phone 788-3800

ADDRESS  
902 OLD OAK ROAD  
BALTO. MD 21212

PLAT FOR ZONING VARIANCE  
OWNER: RANDOLPH K. MACKUBIN  
SUBMITTER: RANDOLPH K. MACKUBIN  
SUBJECT: VARIANCE TO ALLOW  
LOT 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 75



# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

December 6, 1989

Mr. & Mrs. Randolph K. Mackubin  
904 Old Oak Road  
Baltimore, MD 21212

RE: Item No. 86, Case No. 90-235-A  
Petitioner: Randolph K. Mackubin, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Mackubin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this  
29th day of September, 1989.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman  
Zoning Plans Advisory Committee

Petitioner: Randolph K. Mackubin, et ux

Petitioner's Attorney:

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: December 4, 1989  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Randolph Kent Mackubin, Item 86  
Zoning Petition No. 90-235

The Petitioner requests a variance to permit a side yard setback of 5 ft. in lieu of the required 10 ft.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

RECEIVED  
SEP 14 1989  
ZONING OF

September 12, 1989

Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 83, 84, 85, 86, 88, 89, 90, 92, and 93.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan

MSF/efm

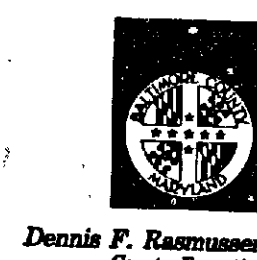
SEP 19 1989

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2536  
(301) 887-4500

Paul H. Reinke  
Chief

September 15, 1989

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204



Dennis F. Rasmussen  
County Executive

RE: Property Owner: RANDOLPH KENT MACKUBIN, ET UX

Location: #904 OLD OAK ROAD

Item No.: 86 Zoning Agenda: AUGUST 19, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reinke* Noted and Approved  
Planning Group  
Special Inspection Division

*Paul H. Reinke*  
Fire Prevention Bureau

JK/KEK



SPACE between  
900 & 902 OLD OAK



902 OLD OAK



SPACE BETWEEN  
902 & 904 OLD OAK



904 OLD OAK RD



SPACE between  
904 & 906 OLD OAK



SPACE BETWEEN  
906 & 908 OLD OAK



SPACE between  
902 & 904 OLD OAK



REAR 904 OLD OAK



PORCH - 904 OLD OAK

## PROTESTANT'S EXHIBIT 2